

Title: To protect surface water from contamination by chemical storage facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chemical Safety and Source Water Protection Act of 2014”.

SEC. 2. PROTECTION OF SURFACE WATER FROM CONTAMINATION BY CHEMICAL STORAGE FACILITIES.

(a) In General.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

“PART G—PROTECTION OF SURFACE WATER FROM CONTAMINATION BY CHEMICAL STORAGE FACILITIES

“SEC. 1471. DEFINITIONS.

“In this part:

“(1) Covered chemical storage facility.—

“(A) In general.—The term ‘covered chemical storage facility’ means a facility at which a chemical is stored and the Administrator or State, as applicable, determines that a release of the chemical from the facility poses a risk of harm to a public water system.

“(B) Exclusions.—The term ‘covered chemical storage facility’ does not include a facility that is subject to a procedure, method, or other requirement for equipment to address hazardous substances pursuant to section 311(j)(1)(C) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(1)(C)).

“(C) Considerations.—In determining risk of harm posed by a chemical storage facility under paragraph (A), the Administrator or State, as applicable, may consider the requirements of other Federal or state laws.

“(2) State program.—The term ‘State program’ means a chemical storage facility source water protection program established under section 1472.

“SEC. 1472. ESTABLISHMENT OF STATE PROGRAMS.

“(a) In General.—Not later than 1 year after the date of enactment of this part, the Administrator or a State exercising primary enforcement responsibility for public water systems

shall carry out, directly or through delegation, a chemical storage facility source water protection program to provide for the protection of public water systems from a release of a chemical from a covered chemical storage facility.

“(b) Program Requirements.—

“(1) In general.—A State program under subsection (a) shall provide for oversight and inspection of each covered chemical storage facility in accordance with the requirements described in paragraph (2) to prevent the release of chemicals into the water supply in watersheds with public water systems that rely on surface water, including a covered chemical storage facility located in a source water area identified under section 1453.

“(2) Minimum requirements.—At a minimum, a State program shall include—

“(A) requirements for covered chemical storage facilities, including—

“(i) acceptable good standards of design, construction or maintenance;

“(ii) leak detection;

“(iii) spill and overfill control;

“(iv) inventory control;

“(v) an emergency response and communication plan;

“(vi) an employee training and safety plan;

“(vii) an inspection of the integrity of each covered chemical storage facility;

“(viii) notice to the Administrator, the appropriate State agency, and applicable public water systems of—

“(I) the potential toxicity of the stored chemicals to humans, and the environment; and

“(II) safeguards or other precautions that can be taken to detect, mitigate, or otherwise limit the adverse effects of a release of the stored chemicals; and

“(ix) financial responsibility requirements, including proof of insurance, bond, or other similar instrument;

“(B) inspections of covered chemical storage facilities, which shall occur—

“(i) for a covered chemical storage facility identified in a source water assessment area under section 1453, not less frequently than once every 3 years; and

“(ii) for any other covered chemical storage facility, not less frequently than once every 5 years; and

“(C) a comprehensive inventory of the covered chemical storage facilities in each State.

“(c) National Primary Drinking Water Regulations.—For purposes of primary enforcement responsibility, a State program and any requirements under this part shall be—

“(1) considered to be a part of the national primary drinking water regulations established under section 1412; and

“(2) implemented and enforced in accordance with the procedures under sections 1413 and 1414 and part E.

“(d) Administration.—

“(1) In general.—A State program shall be carried out—

“(A) if the State exercises primary enforcement responsibility for public water systems in that State under this Act, by the State; and

“(B) if the State does not exercise primary enforcement responsibility for public water systems in that State under this Act, by the Administrator.

“(e) Guidance.—The Administrator may issue guidance or provide other technical assistance to State programs related to carrying out activities under this Part.

“SEC. 1473. CORRECTIVE ACTION ORDERS.

“The Administrator acting pursuant to Section 1472(d)(1)(B) and any State that has primary enforcement responsibility for public water systems under this Act may issue an order to the owner or operator of a covered chemical storage facility to carry out this part.

“SEC. 1474. COST RECOVERY.

“If costs have been incurred by the Administrator or the State, as applicable, for undertaking a response action under this part relating to the release of a chemical, the owner or operator of the covered chemical storage facility shall be liable to the Administrator or the State for those costs.

“SEC. 1475. TRANSFER OF COVERED CHEMICAL STORAGE FACILITIES.

“Notwithstanding the inspection schedule provided under section 1472(b)(2)(B), no person shall transfer a covered storage facility unless—

“(1) Prior to the closing or completion of the transfer, the transferor shall submit to the transferee the results of a pre-transfer inspection of the integrity of the covered storage facility, conducted pursuant to the requirements established by this Part; and

“(2) Either the transferor or the transferee agrees to take appropriate measures to address the results of the pre-transfer inspection prior to the closing or completion of the transfer or within 30 days of the closing or completion of the transfer.

“(3) The pre-transfer inspection shall be conducted in accordance with requirements adopted by a State that has primary enforcement responsibility for public water systems under this Act or by the Administrator pursuant to Section 1472(d)(1)(B).

“SEC. 1476. INFORMATION SHARING.

“(a) Information for Public Water Systems.—The Administrator or State, as applicable, shall provide public water systems with information relating to—

“(1) emergency response plans for covered chemical storage facilities located within the same watershed as the public water system; and

“(2) an inventory of each chemical held at the covered chemical storage facilities described in paragraph (1).

“(b) Emergency Response Plans.—A copy of each emergency response plan submitted under section 1472(b)(2)(A) shall be provided to—

“(1) the Administrator (if the State exercises primary responsibility for public water systems in that State); and

“(2) the Secretary of Homeland Security.”.

“(c) Information.—

“(1) In General.—A State or the Administrator, as appropriate, may keep confidential information the State or the Administrator determines to be sensitive and present a security risk to a covered chemical storage facility.

“(2) Exceptions.—Paragraph (1) --

“(A) shall not apply to public health information; or

“(B) prevent the sharing of information with the Administrator, the Secretary of Homeland Security, a public water system, or a public agency involved in emergency response.

(b) Emergency Powers.—Section 1431 of the Safe Drinking Water Act (42 U.S.C. 300i) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) Petitions.—

“(1) In general.—In any case in which the Administrator is authorized to act under subsection (a), the owner or operator of a public water system may—

“(A) commence a civil action for appropriate equitable relief, including a restraining order or permanent or temporary injunction, to address any activity or facility that may present an imminent and substantial endangerment to the health of persons who are supplied by that public water system; or

“(B) petition the Administrator to issue an order or commence a civil action under subsection (a).

“(2) Response.—

“(A) In general.—Subject to subparagraph (B), not later than 30 days after the date

on which the Administrator receives a petition under paragraph (1), the Administrator shall respond to the petition and initiate such action as the Administrator determines to be appropriate.

“(B) Special rule for emergencies.—If the owner or operator of a public water system submits the petition under paragraph (1) in response to an emergency, the Administrator shall respond not later than 72 hours after receipt of the petition.”.

(c) Conforming Amendment.—Section 1414 of the Safe Drinking Water Act (42 U.S.C. 300g–3) is amended—

(1) in subsections (a), (b), (e), (f), and (g)—

(A) by inserting after “public water system” each place it appears “or a covered chemical storage facility”; and

(B) by inserting after “public water systems” each place it appears “or a covered chemical storage facility”; and

(2) in subsection (i)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(B) by striking the heading designation and all that follows through “means—” and inserting the following:

“(i) Definitions.—In this section:

“(1) Applicable requirement.—The term ‘applicable requirement’ means—”;

(C) in paragraph (1)(A) (as so redesignated)—

(i) by inserting a comma after “1417”; and

(ii) by striking “or 1445” and inserting “1445, or part G”; and

(D) by adding at the end the following:

“(2) Covered chemical storage facility.—The term ‘covered chemical storage facility’ has the meaning given the term in section 1471.”.